

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**WCC NO. H304560**

**PATRICK DRAKE, Employee**

**CLAIMANT**

**PIG TRAIL HARLEY DAVIDSON, Employer**

**RESPONDENT**

**SUMMIT CONSULTING, LLC, Carrier/TPA**

**RESPONDENT**

**OPINION FILED JUNE 11, 2024**

Hearing before ADMINISTRATIVE LAW JUDGE ERIC PAUL WELLS in Springdale, Washington County, Arkansas.

Claimant not represented by counsel and not appearing at hearing.

Respondent represented by GUY ALTON WADE, Attorney at Law, Little Rock, Arkansas.

**STATEMENT OF THE CASE**

This case comes on for review following a hearing on respondents' Motion to Dismiss.

On July 19, 2023, the claimant filed an AR-C requesting various compensation benefits in which he alleged injuries to his back on or about October 21, 2022. The claim was denied in its entirety.

The claimant, through his attorney, Mark Peoples, requested a hearing on September 5, 2023. A prehearing conference was held on November 6, 2023, and a hearing was scheduled for January 30, 2024. On December 4, 2023, Mr. Peoples withdrew the claimant's hearing request, and filed a Motion to Withdraw as Counsel. The Full Commission granted the motion on December 5, 2023. No further action was taken regarding this claim.

On December 29, 2023, the respondents filed a Motion to Dismiss requesting that this claim be dismissed for lack of prosecution. The respondents mailed the claimant a copy of the

Motion to Dismiss and received no response from the claimant. A hearing was scheduled for April 23, 2024. Notice of that hearing was sent to the claimant by certified mail, return receipt requested on March 4, 2024. United States Postal Department records indicate that claimant received and signed for the notice on March 6, 2024. Despite having received notice of the scheduled hearing, the claimant failed to appear at the hearing and has failed to respond to the motion in any form or manner.

After my review of the respondents' Motion to Dismiss, the claimant's lack of response thereto, and all other matters properly before the Commission, I find that respondents' Motion to Dismiss this claim should be and hereby is granted pursuant to Commission Rule 099.13. This dismissal is without prejudice.

**ORDER**

Pursuant to the above statement of the case and Commission Rule 099.13, I have no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

If respondents have not already done so, they are directed to pay the court reporter, Veronica Lane, her fees and expenses within thirty (30) days of receipt of her invoice.

**IT IS SO ORDERED.**

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**ERIC PAUL WELLS  
ADMINISTRATIVE LAW JUDGE**